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U.S. MAGISTRATE JUDGE

BY _____

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA MARTINEZ,

Defendant.

Magistrate No. 2:18-mj-707-GWF

CRIMINAL COMPLAINT

VIOLATION:

Title 41, Code of Federal Regulations,
Section 102-74.390

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned Complainant, being duly sworn, deposes and states:

COUNT ONE

Creating a Disturbance on Federal Property

On or about August 1, 2018, in the State and Federal District of Nevada, within the boundaries of Lloyd D. George Federal Courthouse ("the Courthouse"), located at 333 Las Vegas Boulevard, South, Las Vegas, Nevada, **JOSHUA MARTINEZ (MARTINEZ)**, defendant herein, created a disturbance by loitering, exhibiting disorderly conduct, and exhibiting other conduct on the Courthouse property, to wit:

1 creating loud noises, creating a nuisance, unreasonably obstructing the usual use of
 2 entrances, and otherwise impeding and disrupting the performance of official duties by
 3 Government employees, and thereby preventing the general public from obtaining the
 4 administrative services provided on the property in a timely manner, by refusing to
 5 follow the lawful orders of the Court Security Officers ("CSOs") to exit the building,
 6 yelling, refusing to be handcuffed by the CSO placing him under arrest, and causing the
 7 CSOs to shut down the entrance to the Courthouse until the CSO's could safely remove
 8 **MARTINEZ** from the entrance. All in violation of Title 41, Code of Federal Regulations
 9 (CFR), Sections 102-74.390.

10 **PROBABLE CAUSE AFFIDAVIT**

11 Complainant, Michael Desch, is a Deputy United States Marshal with the United
 12 States Marshals Service (USMS) states the following as and for probable cause:

13 1. Complainant is currently assigned to the Las Vegas, Nevada, Field Office,
 14 and has been so employed for approximately seven years.

15 2. The following information is either the result of complainant's own personal
 16 investigation, or has been provided to him by other law enforcement personnel and
 17 investigators. As a Deputy U.S. Marshal, I have successfully completed the Criminal
 18 Investigator Training Program ("CITP") and USMS Basic Training at the Federal Law
 19 Enforcement Training Center ("FLETC") in Glynco, Georgia.

20 3. Because this Affidavit is being submitted for the limited purpose of securing
 21 a Criminal Complaint, I have not included each and every fact known to me concerning
 22 this investigation. I have set forth only those facts that I believe are necessary to
 23 establish probable cause to believe that, on or about August 1, 2018, **MARTINEZ**
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1 committed the offense of Disorderly Conduct, in violation of Title 41, CFR 102-74.390.
2 The following information contained within this criminal complaint is based upon my
3 own participation in this investigation or was provided to me by other law enforcement
4 personnel. All dates and times are approximate.

5 **FACTS ESTABLISHING PROBABLE CAUSE**

6 4. On February 7, 2017, **MARTINEZ** attempted to enter the Lloyd D. George
7 Federal Courthouse. **MARTINEZ** could not produce a valid government issued
8 identification and was denied entry into the Courthouse. Posted inside the Courthouse
9 lobby prior to the entry through the magnetometers, is a notice that all persons entering
10 the Courthouse must present identification for screening¹. The CSOs told **MARTINEZ**
11 that he could not enter the Courthouse without a valid government issued identification.
12 **MARTINEZ** could not provide the required identification² and he was denied entry and
13 told to leave the premises. **MARTINEZ** refused to comply with the order. When
14 **MARTINEZ** continued to refuse to leave the Courthouse after being ordered by the
15 CSOs, the Las Vegas Metropolitan Police (LVMPD) was subsequently notified.
16 **MARTINEZ** was arrested by the LVMPD and removed from the premises. As a result
17 of this incident, a security alert³ was issued by the United States Marshals Service
18 (USMS) and distributed to the CSOs. It advised the CSOs to notify the USMS in the
19 event that **MARTINEZ** attempted to access the Courthouse in the future.
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23 ¹ The Notice reads that "... [t]hose who do not have or refuse to provide an ID card will be denied access."

24 ² **MARTINEZ** produced a paper that he claimed was what he used for identification, but it was not a valid form of identification.

³ A security alert is issued by the USMS to notify CSOs of safety and security procedures for specific individuals that have presented safety and security concerns.

1 5. On April 4, 2017, **MARTINEZ** attempted to gain access to the Courthouse.
2 **MARTINEZ** began to video tape his interactions with the CSOs. Filming in the
3 Courthouse is prohibited per the Court Order issued on February 6, 2017 by the
4 Honorable Judge Kent Dawson. **MARTINEZ** was told numerous times to stop recording,
5 but refused to comply with the CSOs order to stop. As a result, he was denied entry to
6 the Courthouse, and was ordered to leave the premises. LVMPD was called to the
7 Courthouse as a result of the incident. Upon their arrival, **MARTINEZ** was arrested for
8 Trespass and removed from the property of the Courthouse by LVMPD.

9 6. On November 9, 2017, **MARTINEZ** attempted to gain access to the
10 Courthouse. The USMS Senior Inspector ("SI") "RB" told **MARTINEZ** that the previous
11 trespass order from April 2017, was still in effect and asked **MARTINEZ** to leave the
12 premises. **MARTINEZ** refused to leave and USMS SI RB placed him under arrest for
13 Trespass.

14 7 On July 30, 2018, **MARTINEZ** attempted to gain access to the Courthouse.
15 **MARTINEZ** was advised by the CSOs that the USMS needed to be notified to clear him
16 to enter the building. **MARTINEZ** became boisterous, shouting at the CSOs. The CSOs
17 then ordered **MARTINEZ** to leave the premises. Instead of leaving, **MARTINEZ** pulled
18 out his cellular phone and began recording the CSOs. **MARTINEZ** was advised by the
19 CSOs that filming in the Courthouse was prohibited per Court Order. When ordered to
20 stop recording, **MARTINEZ** refused and continued to video record. CSO "ER" took
21 **MARTINEZ'S** cell phone and **MARTINEZ** was escorted by CSOs from the lobby area of
22 the Courthouse to the front doors. At that time, **MARTINEZ** shouted at CSO ER, "Tell
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1 that monkey to give me my phone back.”⁴ Once outside the Courthouse, **MARTINEZ’S**
2 cellular phone was returned to him by a CSO. Once the cellular phone was returned,
3 **MARTINEZ** once again began to video record the front entrance area, videotaping the
4 CSOs and the people entering and exiting the Courthouse. The USMS eventually did
5 come outside the Courthouse to speak with **MARTINEZ** about his conduct. The USMS
6 advised **MARTINEZ** that if he produced a valid government identification and secured
7 his cellular phone elsewhere, the USMS would allow him entry into the Courthouse.
8 Thereafter, **MARTINEZ** secured his phone, produced a valid government identification,
9 and was ultimately permitted entry into the Courthouse to observe a court proceeding.
10 However, after USMS personnel were more fully briefed by the CSOs regarding
11 **MARTINEZ’S** conduct towards the CSOs prior to the USMS allowing him access, an
12 updated security alert was distributed to the CSOs. This updated security alert
13 instructed the CSOs to not allow **MARTINEZ** to enter the Courthouse in the future, and
14 that the USMS should be immediately alerted of his presence on the property.

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16 8. On August 1, 2018, at approximately 10:10 a.m., **MARTINEZ** attempted
17 to gain access to the Courthouse and was advised by CSO “AC” that his access into the
18 Courthouse was denied by the USMS due to his past behavior. **MARTINEZ** was then
19 ordered to step outside the front doors of the Courthouse and wait for a U.S. Marshal’s
20 Agent to arrive to speak to him. **MARTINEZ** refused to comply with CSO AC’s order.
21 **MARTINEZ** began to create a disruption by raising his voice and yelling at the CSOs.
22 **MARTINEZ** continued to refuse the orders of the CSOs to exit the building. Because of
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⁴ CSO “ER” who took **MARTINEZ’S** phone is African-American.

1 his refusal to comply with their orders and due to his disruptive behavior, CSOs "LA"
2 and "AC" attempted to place **MARTINEZ** in handcuffs. **MARTINEZ** resisted by
3 refusing to place his right hand behind his back as ordered. CSO "LA" and "AC" grabbed
4 **MARTINEZ'S** hand to handcuff him. **MARTINEZ** then attempted to pull his hand
5 away to prevent the CSOs from placing him in handcuffs. **MARTINEZ** continued to yell
6 and shout at the CSOs as he was being handcuffed. CSO LA and AC were ultimately
7 able to place **MARTINEZ** in handcuffs by grabbing his right hand and placing it behind
8 his back. Once in handcuffs, **MARTINEZ** began to curse at the CSOs stating, "You
9 Pussys" and "You guys ain't shit."

10 9. **MARTINEZ'S** conduct unreasonably obstructed the usual use of the
11 entrance of the Courthouse and additionally, resulted in the shut-down of all processing
12 by the CSOs of Government employees and the general public to enter the Courthouse,
13 thereby impeding and disrupting the performance of official duties by Government
14 employees, and preventing the general public from obtaining the administrative services
15 provided on the property in a timely manner.

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Michael Deoch

This 24 day of August, 2018.

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